



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.649 of 2018

and

W.M.P. (MD) .No.676 of 2018

S.Kestsi Bai

.. Petitioner

Vs.

1.The Principal Account General (A&E),
Accountant General Office,
Chennai-18.

2.The Sub Treasury,
Rep. by Sub Treasurer Officer,
Vilavancode,
Kanyakumari District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for records on the file of the second respondent pertaining to its order bearing Na.Ka.No.966/A1/2017, dated 27.11.2017 and quash the same and consequently direct the respondents to pay the original pension without any recovery.

For petitioner

: Mr.S.C.Herold Singh

For R-1

: Mr.P.Gunasekaran
Standing Counsel

For R-2

: Mrs.S.Srimathy
Special Government Pleader

O R D E R

Mrs.S.Srimathy, learned Special Government Pleader takes notice for the second respondent.

2. Mr.P.Gunasekaran, learned Standing Counsel takes notice for the first respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.



4. Heard Mr.S.C.Herold Singh, learned Counsel appearing for the petitioner, Mr.P.Gunasekaran, learned Standing Counsel for the first respondent and Mrs.S.Srimathy, learned Special Government Pleader appearing for the second respondent.

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5. The writ petitioner is receiving family pension. By the impugned order dated 27.11.2017, an order for recovery at the rate of Rs.5,010/- per month had been ordered to recover a sum of Rs.1,91,488/-. Such an order of recovery has been passed without giving any notice to the writ petitioner. On this ground of violation of principles of natural justice, the impugned order is set aside. The second respondent shall be at liberty to pass fresh orders in accordance with law.

6. This Writ petition is allowed accordingly. No costs. Consequently, W.M.P.(MD).No.676 of 2018 is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To:

1.The Principal Account General (A&E),
Accountant General Office,
Chennai-18.

2.The Sub Treasurer Officer,
Sub Treasury office,
Vilavancode,
Kanyakumari District.

+One cc to The Special Government Pleader, SR.No.42327

+One cc to Mr.P.Gunasekaran, Advocate, SR.No.41968

+One cc to Mr.S.C.Herold Singh, Advocate, SR.No.41821

kmi

RL/6C/2P/KKR/SAR1/2/2/2018